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C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 001074

SIPDIS

DEPARTMENT FOR A/S FRAZER, S/E WILLIAMSON, AND AF/SPG
NSC FOR PITTMAN AND HUDSON
ADDIS ABABA FOR USAU

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TAGS: [PGOV](#) [PREL](#) [KPKO](#) [UN](#) [AU](#) [SU](#)

SUBJECT: MAHDI PROPOSES "THIRD WAY" WITH PRESIDENT BASHIR
ON ICC INDICTMENTS

REF: A. KHARTOUM 1030

[B](#). KHARTOUM 1025

[C](#). KHARTOUM 982

Classified By: CDA Alberto M. Fernandez, for reasons 1.4 (b) and (d)

[1](#). (SBU) SUMMARY: CDA Fernandez met with Umma Party leader Sadiq al Mahdi July 16, only two hours before the two-time former Prime Minister was to meet with Sudanese President Bashir. Mahdi said he is pushing the President and the NCP to moderate their response to the ICC indictments, and to use the current crisis as an opportunity to find a definitive way out of the Darfur crisis. The GOS must admit its Darfur policies have been wrong, and begin setting out an urgent plan to solve the problem. So far the NCP hawks have backed down on the ICC, choosing instead a moderate response.

Mahdi hopes the international community will make it possible for Sudan to follow a "third way," avoiding confrontation. Mahdi will be leaving in August to attend the Democratic Party convention in Denver, and hopes to have meetings in Washington, which Embassy Khartoum will help arrange. END SUMMARY.

[2](#). (SBU) CDA met with Mahdi at his residence, where Mahdi was joined by his daughter Miriam al Mahdi, a former IVP participant, who will accompany him to the U.S. Seemingly strengthened and encouraged by the ICC indictment of President Bashir, who took power from Mahdi in 1989, he exclaimed "we are in great trouble" and pointed out that he had spoken out on Darfur four years ago and asked for an early resolution to the crisis. He pointed out that he himself had warned several years ago that "war crimes" and "crimes against humanity" had been committed in Darfur. Mahdi said he had pushed at the time for Sudan to set up a mechanism to punish the guilty and compensate the victims, otherwise, the international community would be obligated to act. The GOS had failed to act, so now we see "the chickens coming home to roost," he crowed. Mahdi characterized the arguments the GOS is using against the ICC indictments as "childish" - first that Darfur was only a continuation of a long history of unrest, and second, that Sudan itself can deal with any crimes committed in Darfur. In fact, Sudanese laws were completely inadequate to deal with Darfur, he said "we have no laws covering such crimes". He noted that the ICC action places Western diplomatic interests in a bind: "How can you deal with a criminal government?" he asked.

[3](#). (SBU) Noting that he was to meet with President Bashir at noon that same day, Mahdi said he would urge the President to put aside "this nonsense about escalation, and about marginalizing the ICC." The GOS strategy of dealing with Darfur has been wrong from the start. "We need to convince

them that this has been mismanaged," he said. Sudan has to recognize that there is a problem. The GOS can no longer dismiss the dire situation in Darfur, nor its own responsibility. The challenge facing Sudan now is to reconcile "the two principles of accountability and stability," Mahdi said. Certain enemies of the regime - like the Darfur rebels and an embittered Hassan al-Turabi - are ready to pursue a policy of revenge, he added. Such policies would merely sow more discord in Sudan. Jihadist terrorist organizations around the world are hoping that the current situation leads to chaos in the country and the opportunity for a new front in their struggle. Mahdi noted that extremist websites are once again refocused on Sudan hoping that it will become a new front in their struggle against the West. "They want another Somalia," he warned gravely, "we can't allow them to have their way." What is needed is to create a new reality - to forge a peace settlement, to begin to punish the guilty and to compensate victims. To that end, he said his party is hoping that the international community will come up with a way out, "something that will make our job possible."

¶4. (SBU) Mahdi said Bashir's temperament would have been to lash out violently when presented with a challenge such as the ICC indictment. The NCP has long acted as the enemy of the Umma party, Mahdi noted, but recently the two parties have reconciled. "If we go the way of revenge, it is the people of Sudan who will suffer. Sudan would become another Congo or failed state," he said. Fortunately, the NCP has accepted the Umma party's advice to convoke all Sudanese parties. What has helped to moderate Bashir's response is his sense that the people of Sudan are, at least for now,

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behind him. Mahdi said he had met the President recently (after the ICC indictments were expected but not announced) at a stadium rally on July 13, and Bashir had been genuinely pleased to see him there and see that the nation is behind him. As a result of this support, the hawks in the NCP have backed down. CDA responded that the international community similarly has not used the ICC action as a club against Bashir - but they will, over time, if the GOS does not act quickly to solve long festering problems of the regime's own making.

¶5. (SBU) CDA Fernandez said Mahdi and his party can help the U.S. to help Sudan's moderates by moving on the proposed third way immediately. Sudan must do the right thing - compensating victims, providing for return of IDPs, etc. - but then must be seen to be doing the right thing, not just saying the right thing. Someone in Sudan needs to stand up and admit publicly that "mistakes were made," and announce that the government is committed to, for example, a truth and reconciliation commission. Time is short for Sudan to begin responding, as the ICC judges may decide on issuing arrest warrants in September. CDA praised Mahdi's ideas of a third way forward, noting such an approach had worked in putting an end to the North-South conflict. Both sides in that conflict had committed atrocities, but now neither one speaks of that because they have the CPA to focus on, but the regime should not expect to be rewarded automatically by the international community for changing a disastrous course it never should have taken in the first place.

¶6. (SBU) Mahdi praised as "wise" the non-confrontational, wait-and-see approach to the ICC indictments adopted by President Bush in his press conference July 15. The USG should continue to refrain from endorsing the ICC actions; it is important not to give more ammunition to those who wish to demonize the U.S., he said. CDA replied that the U.S. realizes it has interests in Sudan that are much larger than one man -- full CPA implementation, peace in Darfur and a tangible improvement in the lives of its people, especially the IDPs. He noted that the regime "must do right and be seen by the world as doing right by the people of Darfur," it is a problem of both substance and perception.

17. (SBU) Mahdi informed CDA that he will go to the U.S. in August at the invitation of the NDI, and will attend the Democratic Party national convention in Denver, followed by a stop in Washington. He noted that in the past he has met with Bush Administration foreign policy experts and with members of the Clinton team such as former NSA Anthony Lake. He said he is eager to work with any new U.S. administration "to help change the image of America" in the Arab/Muslim world. Rehabilitating the image of America also serves (moderate) Arab and Islamic interests because "demonization of America only serves the interests of extremists," he said.

CDA volunteered to help arrange meetings in Washington for Mahdi and his party.

18. (C) COMMENT: The current crisis actually provides former Prime Minister Mahdi with a useful statesman-like role, to act as a moderating influence at a critical time, urging President Bashir and the NCP to adopt a constructive approach in the wake of the ICC indictments. Post will continue to urge Mahdi and others who are taking a moderating stance to the ICC indictments, to weigh in with the President to encourage real and urgent reconciliatory action on Darfur rather than the grudging, incremental, and still vicious approach it has taken this far since the mass murder of 2003-2005. There may be a window of opportunity to influence Bashir and move him in this direction, before his views harden as the full weight of the impending charges bear down on him. Certainly, one indicator of the regime's seriousness will be the elements in whatever package or "third way" the regime (with the good offices of Mahdi and the SPLM) comes up with. If it is the usual empty re-packaging of a DPA that never worked, we will know that the regime is just - once again - playing for time. If it includes real change affecting Darfuri lives - compensation, land, accountability, political realignment, international partnership and oversight - then the international community could have something to talk about with Khartoum. End comment.

FERNANDEZ